

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TIJUE ADOLPHUS MCGHEE,

Plaintiff,

v.

RONALD BROOMFIELD, et al.,

Defendants.

Case No. [20-cv-05135-HSG](#)

**ORDER GRANTING EXTENSION OF  
TIME TO FILE DISPOSITIVE  
MOTION; DISMISSING CERTAIN  
DEFENDANTS; REQUIRING  
PLAINTIFF TO PROVIDE COURT  
WITH CURRENT ADDRESS**

Re: Dkt. No. 12

Plaintiff, an inmate at San Quentin State Prison ("SQSP"), has filed a *pro se* action pursuant to 42 U.S.C. § 1983 alleging that SQSP officials violated his constitutional rights. For the reasons set forth below, the Court DISMISSES defendants Broomfield and Davis from this action, and GRANTS defendants Jaime-Daumy and Wren's request for an extension of time to file their dispositive motion (Dkt. No. 12).

**DISCUSSION**

**I. Dismissal of Defendants Broomfield and Davis**

On September 28, 2020, the Court screened the complaint and found that the complaint stated cognizable First, Sixth, and Fourteenth Amendment claims against defendants Jaime-Daumy and Wren, dismissed with prejudice Plaintiff's claims regarding defendant Jaime-Daumy's harassment, abuse and intimidation, and dismissed defendants Broomfield and Davis from this action with leave to amend. Dkt. No. 8. In the screening order, the Court cautioned Plaintiff that failure to file an amended complaint by October 26, 2020, would result in the complaint docketed at Dkt. No. 1 remaining the operative complaint and the dismissal of defendants Broomfield and Davis. Dkt. No. 8 at 7-8. The deadline to file an amended complaint has passed, and Plaintiff has

not filed an amended complaint. Dkt. No. 1 remains the operative complaint, and defendants Broomfield and Davis are DISMISSED from this action.

## **II. Resetting Briefing Schedule**

Good cause being shown, defendants Jaime-Daumy and Wren's request for an extension of time to file a dispositive motion is GRANTED. Dkt. No. 12. By April 27, 2021, defendants Jaime-Daumy and Wren shall file their dispositive motion. Plaintiff's opposition to Defendants' dispositive motion shall be filed and served no later than twenty-eight (28) days from the date Defendants' motion is filed. Defendants shall file a reply brief no later than fourteen (14) days after Plaintiff's opposition is filed. The motion shall be deemed submitted as of the date the reply brief is due. No hearing will be held on the motion.

## **III. Plaintiff's Failure to Notify of Address Change**

Northern District Civil Local Rule 3-11 requires a *pro se* litigant whose address changes while an action is pending to promptly file a notice of change of address specifying the new address. *See* N.D. Cal. Civil L.R. 3-11(a). On August 11, 2020, Plaintiff informed the Court that he had moved to an unspecified motel in Oakland, California. Dkt. No. 7. Plaintiff did not provide the Court with a specific address at which he could be reached. Within twenty-eight (28) days of the date of this order, Plaintiff shall provide the Court with a current address at which he may be reached. If Plaintiff fails to provide the Court with a current address within the time provided, the Court may dismiss this action for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

## **CONCLUSION**

For the reasons set forth above, the Court orders as follows.

1. Defendants Broomfield and Davis are DISMISSED from this action. The Clerk shall terminate defendants Broomfield and Davis from this action.

2. The Court GRANTS defendants Jaime-Daumy and Wren's request for an extension of time to file a dispositive motion. Dkt. No. 12. By April 27, 2021, defendants Jaime-Daumy and Wren shall file their dispositive motion. Plaintiff's opposition to Defendants' dispositive motion shall be filed and served no later than twenty-eight (28) days from the date Defendants'


1 motion is filed. Defendants shall file a reply brief no later than fourteen (14) days after Plaintiff's  
2 opposition is filed.

3 3. Within twenty-eight (28) days of the date of this order, Plaintiff shall provide the  
4 Court with a current address at which he may be reached. If Plaintiff fails to provide the Court  
5 with a current address within the time provided, the Court may dismiss this action for failure to  
6 prosecute pursuant to Fed. R. Civ. P. 41(b).

7 This order terminates Dkt. No. 12.

8 **IT IS SO ORDERED.**

9 Dated: 1/7/2021

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11 HAYWOOD S. GILLIAM, JR.  
12 United States District Judge  
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